

Honolulu, Hawaii
February 6, 2014

RE: H.B. No. 272
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 272 entitled:

"A BILL FOR AN ACT RELATING TO WORKPLACE PRACTICES,"

begs leave to report as follows:

The purpose of this measure is to protect public employees by establishing abusive conduct against a public employee as a workplace safety and health violation and a basis for workers' compensation benefits.

The Department of Human Resources Development, Department of the Attorney General, and Hawaii Health Systems Corporation testified in opposition to the measure. The Department of Labor and Industrial Relations; Department of Human Resources of the City and County of Honolulu; and Hawaii Government Employees Association AFSCME Local 152, AFL-CIO, provided comments.

Your Committee has amended this measure by:

- (1) Eliminating the provisions that would have created a new part within Chapter 78, Hawaii Revised Statutes, to make abusive conduct against a public employee a workplace safety and health violation and a basis for workers' compensation benefits;
- (2) Requiring public employers to conspicuously display a poster in the workplace, which includes:



- (A) A description of what actions qualify as abusive conduct in the workplace;
 - (B) The remedies available to employees experiencing such conduct; and
 - (C) The actions for employees to take to pursue those remedies, including the contact information of the primary person responsible for handling complaints of alleged abusive conduct in the workplace, and for an alternative contact in cases where the primary person is the perpetrator;
- (3) Changing its effective date to July 1, 2014; and
 - (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 272, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 272, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 204-14

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 272	Committee Referral: LAB JUD, FIN	Date: 6/12/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. HAR, Sharon E. (VC)				/
3. BELATTI, Della Au	/			
4. BROWER, Tom	/			
5. CREAGAN, Richard	/			
6. ITO, Ken				/
7. KAWAKAMI, Derek S.K.	/			
8. LEE, Chris	/			
9. NAKASHIMA, Mark M.	/			
10. TSUJI, Clift	/			
11. WOOLEY, Jessica	/			
12. MCDERMOTT, Bob		✓		
13. THIELEN, Cynthia	/			
TOTAL (13)	10	1		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				